

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**SHAWN HENDERSON,**  
**Plaintiff,**

**vs.**

**CLOVER FIELD,**  
**Defendant.**

**5:08-CV-00504(NPM/GHL)**

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**APPEARANCES:**

SHAWN HENDERSON, 935411  
Plaintiff, *Pro Se*  
Pendleton Correctional Facility  
P.O. Box 28  
Pendleton, IN 46068

NEAL P. McCURN, Sr. J.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Presently before this Court is the Report and Recommendation of the Hon. George H. Lowe, USMJ, dated May 27, 2008 ruling on all pretrial matters of a non-dispositive nature before the Court, and dispositive matters pursuant 28 USC § 636(b) and Local Rule 72.3(c). In this extensive and well reasoned report, Magistrate Judge Lowe denied plaintiff's motion to proceed *in forma pauperis* (Dkt.No.5) and recommended that the Court *sua sponte* dismiss his complaint pursuant to 28 USC § 1915(e)(2)(B)(i), 1915A, due to the frivolous nature of the

claims asserted therein.

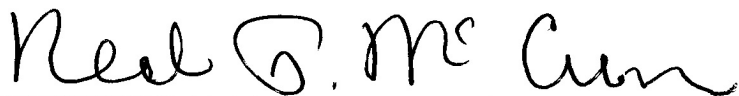
Pursuant to 28 U.S.C. § 636(b)(1)(C), plaintiff had ten days to file objections to the instant Report and Recommendation, which was filed and served upon plaintiff on May 27, 2008. The Court allowed until June 10, 2008, for the plaintiff to file any objections to the Report and Recommendation and on June 9, 2008, the Court received from the plaintiff a document entitled “Type: Indemnity Bond, File Number 2118, In Re: Security Agreement.” This document consists of a two page letter which among other statements claims, “this instrument... hereby establishes this Indemnity Bond in favor of the natural person Shawndell Lamar Henderson,” once again cites various Sections of the Uniform Commercial Code and further attaches a copy of the May 27, 2008 Order and Report-Recommendation of Magistrate Judge Lowe which has been over-written and underscored with various contentions and demands of a similar nature to those contained in the plaintiff’s complaint. The Court shall construe this curious and unique document as a objection pursuant to 28 U.S.C. § 636(b)(1)(C).

Therefore, the court having determined that there is no clear error on the face of the record, and upon *de novo* review of the plaintiff’s complaint and objection to the proposed recommendation, hereby adopts in its entirety the Report and Recommendation of the Hon. George H. Lowe, USMJ, dated May 27, 2008,

2008, and accordingly, it is

**ORDERED** that the Plaintiff's Complaint is *sua sponte* dismissed in its entirety with prejudice, pursuant to 28 USC § 1915(e)(2)(B)(i), 1915A due to the frivolous nature of the claims asserted therein and further certifies that for purposes of 28 USC § 1915(a)(3) that any appeal taken from the Court's final judgment in this action would not be taken in good faith.

**IT IS SO ORDERED**  
**Dated: June 11, 2008**  
**Syracuse, New York**

  
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Neal P. McCurn  
Senior U.S. District Judge